

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DANNY W. GRIFFITH,

Plaintiff,

v.

JOSEPH LEHMAN, *et al*,

Defendants.

Case No. C05-5216RBL

REPORT AND
RECOMMENDATION

Noted for October 28, 2005

This matter comes before the court on plaintiff's filing of a civil rights complaint pursuant to 42 U.S.C. § 1983. (Dkt. #1). Plaintiff has been granted *in forma pauperis* status in this case. (Dkt. #7). However, because plaintiff has not provided the court with the proper number service forms or copies of the complaint for service, the undersigned recommends the court dismiss this matter without prejudice for failure to prosecute.

On August 2, 2005, the court ordered plaintiff to provide it with six service forms and six copies of his complaint on or before September 2, 2005, so that the court could attempt service by mail. (Dkt. #9). On August 16, 2005, plaintiff provided the court with only one copy of his complaint, and on September 7, 2005, he provided the court with only three service forms. The undersigned warned plaintiff that failure to provide

1 the correct number of documents by the above date would result in a recommendation of dismissal for failure
2 to prosecute. To date, plaintiff has not provided the required number of documents.


3 CONCLUSION

4 Because plaintiff has failed to fully respond to the undersigned's order directing him to provide the
5 correct number of service forms and copies of his complaint, the undersigned recommends the court dismiss his
6 complaint for failure to prosecute.

7 Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure ("Fed. R. Civ. P.") 72(b),
8 the parties shall have ten (10) days from service of this Report and Recommendation to file written
9 objections thereto. See also Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those
10 objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time limit
11 imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set this matter for consideration on **October 28,**
12 **2005**, as noted in the caption.

13 The Clerk is directed to send a copy of this Order to plaintiff.

14 DATED this 3rd day of October, 2005.

15
16 

17 Karen L. Strombom
18 United States Magistrate Judge
19
20
21
22
23
24
25
26
27
28